

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ROBERT EARL CULBERSON, JR.,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-21-458-D
)	
WEISER SECURITY SERVICES,)	
INC., <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Before the Court is Defendant's Motion to Dismiss Complaint [Doc. No. 10] under Fed. R. Civ. P. 12(b)(6). Plaintiff has responded by filing the Amended Complaint [Doc. No. 11], as authorized by Fed. R. Civ. P. 15(a)(1)(B). The Court finds Defendant's Motion directed at the original Complaint is moot. *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991) (amended complaint supersedes the original); *see also Predator Int'l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180-81 (10th Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007).

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss Complaint [Doc. No. 10] is **DENIED** without prejudice to a new filing, if appropriate, in response the Amended Complaint.

IT IS SO ORDERED this 22nd day of June, 2021.



TIMOTHY D. DeGIUSTI
Chief United States District Judge